XI HC 78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR.M.P. NO. 277 of 2007

APPLICANT
Non-applicant

Ram Das, S/o Hiravan,
Aged about 55 years,
R/o SECL Quarter No. 64/5619
Katkona Mines Colony, Katkona
Colliery, Distt. Korea (CG).

VERSUS

NON-APPLICANTS
Applicants

1. Smt. Pila Bai, W/o Ram Das,
aged about 45 years,

2. Gangeshwar, S/o Ramdas,
Aged about 14 years,

3. Kamla, D/o Ram das,
Aged about 12 years,

4. Phaleshari, D/o Ram Das,
Aged about 10 years,

5. Shanti D/o Ram Das,
Aged about 4 years,

6. Kanti D/o Ram Das
Aged about 2 years,
No. 2 to 6 are minors through mother Smt. Pila Bai, All R/o Village Aghina, P.S. Pratappur, Distt. Sarguja (C.G.)

Present :
Shri D.N. Prajapati, counsel for the applicant.

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

ORAL ORDER
(22.08.2007)

Dhirendra Mishra, J

The applicant has impugned the order dated 30.05.2007 passed in criminal revision No. 71/07 whereby the learned Additional Sessions Judge (FTC), Pratappur, Distt. Sarguja has dismissed the criminal revision preferred by the applicant against the order dated 12.12.2005 passed by Judicial Magistrate First Class, Pratappur and confirmed the order of interim maintenance passed in favour of the non-applicants at the rate of Rs.2500/- per month from the date of application under Section 125 of the Cr.P.C.

Learned counsel for the applicant submits that both the Courts below have committed a illegality by allowing interim maintenance from the date of application and at the most it could be awarded from the date of order and not from the date of application under Section 125 of the Cr.P.C.

From perusal of the orders passed by both the Courts below it appears that non-applicant No. 1, wife and her five minor children have preferred the application for maintenance which is pending before the learned Magistrate and in the said proceedings an application for interim maintenance was filed with the allegation that the applicant has contracted marriage

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मामला क्रमांक ..... सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

with another lady just before a month of filing the application under Section 125 of Cr.P.C. and ousted the non-applicant/wife and his minor children from the home. The applicant is a loader in SECL and is getting Rs.10,000/- to Rs.15,000/- per month and he is also in possession of agricultural land.

Both the Courts below taking the overall view on the application under Section 125 of Cr.P.C considering that five minor children and their mother, non-applicant No.1, were ousted from their matrimonial home by the applicant and also considering income of the applicant, have passed the above orders. There is no illegality or infirmity in the impugned order which warrants interference in the exercise of inherent powers.

In the result, the petition being devoid of substance is liable to be dismissed at the admission stage itself and is accordingly dismissed.

Sd/-
Dhirendra Mishra
Judge

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